

with compensation of judges of the Supreme and District Courts, was taken up for consideration.

On motion by Naden of Hamilton, the House recessed until 2:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Nelson in the chair.

The House resumed consideration of Senate Joint Resolution 14.

### CALL OF THE HOUSE

We, the undersigned members of the House, request a Call of the House on House Joint Resolution 13 and all amendments thereto.

In the event Senate Joint Resolution 14 is substituted for House Joint Resolution 13, we request a Call of the House with respect to Senate Joint Resolution 14 and all amendments thereto.

J. W. TOM RILEY of Linn.  
FLOYD EDGINGTON of Franklin.  
LESTER L. KLUEVER of Cass.  
ROBERT W. NADEN of Hamilton.  
WILLARD M. FREED of Webster.  
CASEY LOSS of Kossuth.  
DAVID M. STANLEY of Muscatine.  
W. E. DARRINGTON of Harrison.

Pursuant to the rules relating to a Call of the House, roll call was ordered. The roll call revealed all members present except John P. Kibbie of Palo Alto, who had previously been excused.

Kluever of Cass moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

Senate Joint Resolution 14, a joint resolution proposing to amend Article Five (V) of the Constitution of the State of Iowa relating to the supervisory and administrative control of the inferior courts by the Supreme Court; to the qualifications, selection, tenure, compensation, powers and duties of judicial nominating commission members, judges and other judicial officers and to the mandatory retirement with compensation of judges of the Supreme and District Courts.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. An amendment to the Constitution of the State of Iowa as it appears in the Code of 1958 is proposed as follows:

Article Five (V) is amended in the following manner:

1. Section four (4) is amended by striking from lines eight (8) and nine (9) of such section the words, "exercise a supervisory" and

inserting in lieu thereof the words, "shall exercise a supervisory and administrative".

2. Sections three (3), five (5), nine (9) and eleven (11) are repealed.

3. The following sections are added thereto:

"Section 15. Vacancies in the Supreme Court and District Court shall be filled by appointment by the Governor from lists of nominees submitted by the appropriate judicial nominating commission. Three nominees shall be submitted for each Supreme Court vacancy, and two nominees shall be submitted for each District Court vacancy. If the Governor fails for thirty days to make the appointment, it shall be made from such nominees by the Chief Justice of the Supreme Court.

"Section 16. There shall be a State Judicial Nominating Commission. Such commission shall make nominations to fill vacancies in the Supreme Court. Until July 4, 1973, and thereafter unless otherwise provided by law, the State Judicial Nominating Commission shall be composed and selected as follows: There shall be not less than three nor more than eight appointive members, as provided by law, and an equal number of elective members on such Commission, all of whom shall be electors of the state. The appointive members shall be appointed by the Governor subject to confirmation by the Senate. The elective members shall be elected by the resident members of the bar of the state. The judge of the Supreme Court who is senior in length of service on said Court, other than the Chief Justice, shall also be a member of such Commission and shall be its chairman.

"There shall be a District Judicial Nominating Commission in each judicial district of the state. Such commissions shall make nominations to fill vacancies in the District Court within their respective districts. Until July 4, 1973, and thereafter unless otherwise provided by law, District Judicial Nominating Commissions shall be composed and selected as follows: There shall be not less than three nor more than six appointive members, as provided by law, and an equal number of elective members on each such commission, all of whom shall be electors of the district. The appointive members shall be appointed by the Governor. The elective members shall be elected by the resident members of the bar of the district. The district judge of such district who is senior in length of service shall also be a member of such commission and shall be its chairman.

"Due consideration shall be given to area representation in the appointment and election of Judicial Nominating Commission members. Appointive and elective members of Judicial Nominating Com-

missions shall serve for six year terms, shall be ineligible for a second six year term on the same commission, shall hold no office of profit of the United States or of the state during their terms, shall be chosen without reference to political affiliation, and shall have such other qualifications as may be prescribed by law. As near as may be, the terms of one-third of such members shall expire every two years.

"Section 17. Members of all courts shall have such tenure in office as may be fixed by law, but terms of Supreme Court Judges shall be not less than eight years and terms of District Court Judges shall be not less than six years. Judges shall serve for one year after appointment and until the first day of January following the next judicial election after the expiration of such year. They shall at such judicial election stand for retention in office on a separate ballot which shall submit the question of whether such judge shall be retained in office for the tenure prescribed for such office and when such tenure is a term of years, on their request, they shall, at the judicial election next before the end of each term, stand again for retention on such ballot. Present Supreme Court and District Court Judges, at the expiration of their respective terms, may be retained in office in like manner for the tenure prescribed for such office. The General Assembly shall prescribe the time for holding judicial elections.

"Section 18. Judges of the Supreme Court and District Court shall receive salaries from the state, shall be members of the bar of the state and shall have such other qualifications as may be prescribed by law. Judges of the Supreme Court and District Court shall be ineligible to any other office of the state while serving on said court and for two years thereafter, except that District Judges shall be eligible to the office of Supreme Court Judge. Other judicial officers shall be selected in such manner and shall have such tenure, compensation and other qualification as may be fixed by law. The General Assembly shall prescribe mandatory retirement for Judges of the Supreme Court and District Court at a specified age and shall provide for adequate retirement compensation. Retired judges may be subject to special assignment to temporary judicial duties by the Supreme Court, as provided by law."

Sec. 2. The foregoing proposed amendment to the Constitution of Iowa, having been adopted and agreed to by the Fifty-eighth (58th) General Assembly, thereafter duly published, and now adopted and agreed to by the Fifty-ninth (59th) General Assembly in this Joint Resolution, shall be submitted to the people at a special election to be held for that purpose at the same time and in conjunction with the primary election to be held for the selection of political party candidates for public office in the year nineteen hundred sixty-two (1962).

The submission at said special election shall in all respects be governed and conducted as prescribed by law for the submission of a Constitutional amendment at a general election.

On the question "Shall the joint resolution pass?"

The yeas were, 85:

Andersen	Fisher of	Lange	Rapson
Balloun	Greene	Lisle	Riley
Baringer	Freed	Loss	Robinson
Baumhover	Fuelling	Lutz	Rockwell
Bock	Gittins	Lynes	Scherle
Briles	Graham	McCracken	Sersland
Camp	Grassley	McElroy	Shaw
Carnahan	Hagedorn	Messerly	Smith of
Carstensen	Hagen	Meyer	Dickinson
Chalupa	Hagie	Moffitt	Smith of
Crane	Hakes	Mueller	O'Brien
Cunningham	Hanson of	Naden	Stageman
Darrington	Lyon	Olson	Stanley
Den Herder	Hanson of	Ossian	Steenhusen
Denman	Mitchell	Parker	Stephens
Dietz	Hirsch	Patton	Tabor
Dodds	Hougen	Paul	Van Alstine
Edgington	Jarvis	Petersen of	Vermeer
Eichenlaub	Johannes	Dallas	Walter
Eldred	Kluever	Peterson of	Ware
Ely	Knock	Woodbury	Weichman
Eveland	Knowles	Pierce	Wier
Falvey	Kreager	Prine	Mr. Speaker

The nays were, 22:

Casey	Goode	Mensing	Stevenson
Coffman	Halling	Millen	Stokes
Duffy	Hanrahan	Mowry	Summa
Dunton	Hensley	Nielsen	Swisher
Fischer of	Main	O'Toole	Wells
Grundy	Maule	Sickels	

Absent or not voting, 1:

Kibbie

The joint resolution having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### CALL OF THE HOUSE LIFTED

Naden of Hamilton moved that the Call of the House be lifted.

Motion prevailed.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has passed the following bill in which the concurrence of the House is asked:

Senate File 222, a bill for an act to appropriate funds to defray expenses of inaugural ceremonies.